

1996 Waste Programs Environmental Justice Accomplishments Report

Executive Summary

Introduction

Over the last decade, several studies have indicated that minority and low-income communities often bear a disproportionate level of the environmental and health effects of pollution. On February 11, 1994, President Clinton signed Executive Order 12898 which focuses federal agencies' attention on the environmental justice issue. On April 25, 1994, the Office of Solid Waste and Emergency Response (OSWER) issued the "OSWER Environmental Justice Task Force Draft Final Report." That report launched a major effort to address environmental justice concerns in the Environmental Protection Agency's (EPA's) waste programs. It consists of a series of action-oriented recommendations. Headquarters and the Regions developed implementation plans in June 1994. While work on the final report was progressing, implementation of many of the April 1994 recommendations was ongoing.

Since 1994, EPA's waste programs have strived to incorporate meaningful strategies for addressing environmental justice concerns into all of their efforts. In 1995, OSWER gathered information on the accomplishments resulting from implementation of the Headquarters and Regional recommendations. Those accomplishments were reported in the OSWER Environmental Justice Waste Programs Accomplishments Report published in May 1995. In 1996, the implementation process continued.

This Executive Summary provides a synopsis and highlights of the major areas of progress and accomplishments of EPA Headquarters and Regions to address environmental justice in the waste programs for the period ending in November 1996. The report upon which this executive summary is based contains detailed descriptions of environmental justice related activities in EPA's waste programs. This executive summary is an update of the Waste Programs Environmental Justice Accomplishments Report Executive Summary, EPA Report number EPA-540/R-95/058, which was published in May 1995.

The need for emphasizing and incorporating the theme of environmental justice continues. Because of the close connection between urban revitalization and communities, efforts associated with the Brownfields Initiative are rich with environmental justice elements. Through EPA's Brownfields Initiative, seventy-eight communities are taking steps to put abandoned properties back into productive use. Regional and Headquarters staffs are collaborating with public and private sector representatives to bring desired resources to needy communities. Interagency cooperation and partnerships are becoming key elements being marshaled to ensure the success of this growing effort. Many of EPA's efforts are designed to directly and indirectly consider and address environmental justice concerns before they become problems. These and other efforts will continue for the foreseeable future. The highlights below capture but a fraction of the universe of projects and initiatives underway.

Health, Cumulative Risk, Synergistic Effects, and Multiple Pathways

Cumulative risks, synergistic effects, and multiple pathways that effect the health of individuals may be the result of exposure to a single contaminant or multiple contaminants from one or more sources. OSWER and other Agency programs have generally considered site-specific risks without considering current exposure to other pollution sources. In conjunction with environmental justice initiatives, EPA is supporting Agency-wide efforts to coordinate and develop scientifically valid standards for measuring cumulative risk, synergistic effects, and multiple pathways. Specific activities include conducting environmental risk studies in communities where there are environmental justice concerns.

Analyzing Cumulative Risk

The Region 9 RCRA staff is conducting an assessment to analyze cumulative risks. The staff is analyzing the demographics, race, and potential, measured sources of pollution. The goal of the project is to locate those communities affected by numerous sources of pollution, but receiving insufficient attention from agencies to address these hazards.

Geographic Information Systems

The Agency is using GIS increasingly to identify communities with environmental justice concerns. Using GIS, EPA can access spatially referenced databases of demographic and economic information and sources of pollution. EPA analysts can then identify geographic areas where sources of pollution appear to have a disproportionate effect on minority, low-income, and educationally disadvantaged populations.

Using GIS to Address Potential Environmental Justice Concerns

Region 5 is using LandView II software to identify demographics, including minority and low-income population surrounding Superfund sites, until a Division-wide GIS capability is established. Staff trained as LandView experts are creating environmental justice profiles for the Removal/Remedial and Federal facilities programs within the Region.

Region 9 has undertaken an Assessment Project to identify and create GIS maps of areas with potential environmental justice concerns. The Region developed criteria and parameters for mapping minority and low-income communities and has been incorporating this information into the Region's GIS. Based on preliminary GIS maps, Region 9 surveyed the cities in the Region with environmental justice problems to determine when they will be revising their General Plans to include making environmental justice a goal and to assure there is an open public process to find environmental justice solutions. Subsequently, Los Angeles incorporated most of the Region 9 recommendations into the draft General Plan. The revised plan was adopted by the full City Council in October 1996.

Outreach, Communications, and Partnerships

OSWER and the Regions are using several strategies to enhance and promote outreach, communications, and partnerships for communities likely to have environmental justice concerns.

Conduct environmental justice presentations to establish and maintain communication with the public.

The Office of Emergency and Remedial Response (OERR) is committed to improving communications with communities and establishing trust of EPA in those communities. The Environmental Justice Speaker Series provides an opportunity to enhance the Office's employees' sensitivities to environmental justice issues and seeks recommendations on ways to improve communication. The series is informal and presents environmental justice topics of the presenter's choice.

Public Dialogues on Brownfields and Urban Revitalization

Regions 1, 3, 4, and 9, OSWER and the National Environmental Justice Advisory Council (NEJAC) co-sponsored a series of public dialogues on issues of urban revitalization and strategies to create healthy and sustainable communities. Day long events were held in five cities around the country in June 1995. The meetings culminated in a report which included public comments and recommendations.

Enter into partnerships to resolve issues that do not fall exclusively under OSWER jurisdiction.

The Massachusetts Department of Environmental Protection is implementing several projects which will look at an area holistically and use a variety of compliance, enforcement, and assessment tools to ensure that a particular resource is being protected and/or remediated. The Holyoke initiative is the most advanced of those projects. The geotargeting approach to compliance evaluation used during the Holyoke initiative was effective in determining the "state of the City" in terms of oil and hazardous materials (OHM) releases. The project was effective in promoting compliance with the Massachusetts Contingency Plan. The Department's evaluation of the area indicated that there were no major unidentified public health or environmental problems related to OHM in Holyoke. Early and continual contact with City officials was instrumental in focusing on areas of highest local concern.

Economic Redevelopment, Jobs and Worker Training

Economic redevelopment opportunities are being examined to ensure that they complement environmental justice initiatives in communities with environmental justice concerns. Economic redevelopment efforts are increasingly blocked by uncertainty about future tort, third party, and Superfund, RCRA, and UST liabilities, as well as uncertainty about costs, cleanup standards, and time involved in a cleanup. This phenomenon is termed the "brownfields" dilemma, and EPA is examining ways to address the needs of communities suffering from the adverse economic effects of contaminated sites.

EPA Continues to Implement Brownfields Pilot Projects

OSWER continues to expand its emphasis on community involvement by focusing on environmental justice communities as part of the brownfields economic redevelopment initiative. Since 1995, 78 cities and towns have been the recipients of Brownfields Pilot Grants. OSWER co-sponsored "Brownfields '96," a national conference held in Pittsburgh, Pennsylvania in September 1996. The conference was a collaborative effort by EPA, the American Bar Association, the International City/County Management Association, the National Religious Partnership for the Environment, and the Mortgage Bankers Association of America. More than 1000 stakeholders from the public, private and not-for-profit sectors participated in the conference. Stakeholder participation was enhanced by the provision of travel scholarships to more than 100 participants and training sessions which emphasized citizen involvement in the redevelopment process.

Region 7 has been working with Brownfields pilots and applicants to address environmental justice concerns in their public engagement plans. The St. Louis pilot has begun focusing on job creation and training and is working with the St. Louis Association of Neighborhood Organizations to engage citizens who live near the Dr. Martin Luther King Business Park Brownfields Pilot. To enhance economic redevelopment, Region 7 is working with the four States to develop their Voluntary Cleanup Programs (VCPs) and anticipates further efforts to assist and build capacity in these programs. Region 7 has negotiated a memorandum of agreement with Missouri for its VCP.

Contracts, Grants, and Labor

Communities throughout the nation indicate that EPA should facilitate employment opportunities for local labor and reduce the economic and social stigmas associated with Superfund sites and other waste facilities. It is the policy of the federal government that a fair proportion of government contracts and subcontracts are placed with small and disadvantaged businesses. EPA is coordinating this effort to also provide incentives to use local labor in communities where there are environmental justice concerns through the mentor-protege program, set-aside contracts, and grants.

Incorporate environmental justice language into grants and cooperative agreements.

Many innovative and precedent-setting techniques and administrative tools have been utilized by Region 6 in negotiating several Tribally-led environmental programs, all of which are specified as 100-percent Minority Business Enterprise accomplishments. The new Inter-Tribal Environmental Council of Oklahoma, as well as the Region's other established Indian-lead Superfund programs, include recipient-pledged Minority Business Enterprise/ Women Business Enterprise goals in excess of Congressional mandates, resulting in a greater than 100 percent Minority Business Enterprise/ Women Business Enterprise utilization.

Promote increased use of local, small and disadvantaged businesses.

To encourage Superfund contractors to promote environmental justice, OSWER, the Office of Administration and Resources Management (OARM), and the Regions have developed environmental justice award-fee criteria for the award-fee plans of all new Response Action Contracts (RACs). The RACs are the long-term remedial cleanup contracts placed in the Regions to support the Superfund program. The environmental justice award-fee criteria provide monetary incentives for contractors to demonstrate a commitment toward environmental justice throughout contract performance. In 1995, the criteria were incorporated into the first RACs and will continue to be incorporated into all 20-25 RACs as they are being awarded over the next four years.

Federal Interagency Cooperation

There are many federal agencies with whom the EPA must work to protect human health and the environment. These agencies include the Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Justice (DOJ), the National Institute of Environmental Health Sciences (NIEHS), Department of Housing and Urban Development (HUD), Department of Agriculture (USDA), Department of Interior (DOI), and the many other federal agencies that own or operate facilities regulated by OSWER. Since the issuance of the President's Environmental Justice Executive Order, the federal government is increasing emphasis on interagency cooperation on various projects and studies to address environmental justice concerns.

Develop pilot projects with other Federal agencies to address environmental justice concerns.

Region 7, in cooperation with ATSDR, identified two Superfund sites where Region 7 will join in pilot efforts with other agencies to address environmental justice concerns. The health concerns and issues in areas around the Superfund sites will be addressed in partnership with the Public Health Service (PHS) and Health and Human Services (HHS). The sites are Oronogo-Duenweg, located in Jasper County, Missouri, and Cherokee County, a site in Kansas. The Region worked with the school district to develop curriculum for K-12 students about lead, provided schools with the Centers for Disease Control (CDC), the Department of Housing and Urban Development (HUD), and National Cancer Society nutrition manuals, and developed fact sheets about lead and risk reduction using information and guidelines from CDC and HUD. An ATSDR representative participated as a panel member in an environmental justice conference for the Oronogo-Duenweg site. EPA brought the Assistant Director for HUD's interior lead-based paint abatement program to the Region to discuss lead-paint abatement grant opportunities with the States and communities. Participants from Region 6; Region 7; ATSDR and CDC HQ; Missouri, Kansas, and Oklahoma State Health Departments; local health officials, and interested citizens met to develop comprehensive long term methods of providing lead risk reduction education for these and other mining areas.

Increase and improve coordination between Federal agencies to avoid duplication of efforts and ensure coordination on environmental justice issues.

Region 7 is working closely with ATSDR to involve the public in health issues at hazardous waste sites. Region 7 and ATSDR have begun meeting to explore ways that they can reach minority and low-income populations to educate them on the ATSDR petitioning process and about health concerns at hazardous waste sites. ATSDR also offered assistance to the community in developing a community-based health survey, which could be used to obtain further assistance from State and Federal health agencies.

Native American/Tribal Issues

The unique legal status of Indian tribe governments requires Agency-wide and OSWER-wide coordination. There is a current EPA initiative underway to strengthen tribal environmental programs and address environmental justice concerns. EPA is currently examining ways to develop and provide additional resources and technical assistance for tribal environmental protection.

Provide technical assistance and resources for Indian Tribes and Native Americans.

OSWER has awarded a cooperative agreement to Americans for Indian Opportunity (AIO), a Native American organization, to provide outreach and technical assistance to Federally recognized tribes on EPA's Brownfields initiative. In FY96, AIO worked closely with the four Tribal applicants, providing assistance and technical advice on their applications. Additionally, AIO held two regional forums in FY96 to determine the interest of Tribal officials in establishing a Tribal waste association.

RCRA Tribal implementation issues—Enhance training and outreach activities, seek to leverage resources, and coordinate environmental activities among Federal agencies.

In April 1995, the RCRA Program assisted the South Puget Sound Intertribal Planning Agency (SPIP) to develop a workshop, "Reduce, Reuse, Recycle and Respect: A Native American Perspective on Solid Waste." Region 10 developed the Tribal Guidebook: EPA Programs for Chemical and Waste Hazards, which was completed in June 1996 and is being distributed by the circuit riders throughout Washington, Oregon, and Idaho. The guidebook describes EPA programs which address chemical and waste hazards on or adjacent to Tribal lands.

Internal Training, Organizations, and Program Implementation

EPA is initiating efforts to develop training, awareness, and education for OSWER Headquarters and Regional waste program personnel about environmental justice issues. Efforts include developing a new training module on environmental justice for the Office of Emergency and Remedial Response's (OERR's) community relations training, development of Regional environmental justice training plans, and developing training modules to provide RCRA staff with a common understanding of environmental justice issues. Region 5 is developing a pilot project to provide a two-week summer training course for teachers in the southeast Chicago area to address environmental justice concerns.

Develop training to educate OSWER headquarters and waste program personnel and increase awareness of environmental justice issues.

To provide background information and training to the Office of RCRA Programs regarding environmental justice and its application to the RCRA program in Region 3, the RCRA Office held an RCRA environmental justice seminar to familiarize the RCRA staff with the general goals and overall concepts of environmental justice. The seminar was well attended and received. The Office also is developing follow-on courses or seminars to increase the staff awareness and to serve as an outreach tool to the community.

In May 1996, Region 4 introduced the Environmental Justice Protocol, which seeks to institutionalize environmental justice in its day-to-day operations. In Fall 1996, each program received training regarding the implementation of the Protocol.

Resource Conservations and Recovery Act (RCRA)

The Office of Solid Waste (OSW) oversees the RCRA program and is supporting a variety of environmental justice initiatives. Many of these activities, such as technical assistance to Indian Tribes, are also being managed at the Regional level and are discussed in other sections of this report. The specific initiatives conducted include the following activities.

Disproportionate impacts research—Perform demographic analysis around combustion facilities. Region 7 is collecting data to assess concerns that minority and low-income populations are exposed to greater risk because they live in close proximity to toxic and hazardous waste facilities. Region 7 is including combustion facilities in its analysis. The Region has initiated and implemented in-house a process to collect location data (latitude and longitude) of all RCRA combustion facilities in its authorized RCRA program States (Kansas, Missouri, and Nebraska).

GIS maps have been developed for each of the combustion facilities located in Missouri, Kansas, and Nebraska. Initial review of these maps indicates that based on the data collected, there does not appear to be an indication that environmental justice issues exist at any of the combustion facilities. This work was done as part of a larger review, and the Region may conduct some additional work before reaching a final conclusion on this issue.

RCRA Public Involvement—Develop methods to expand public involvement in siting and permitting, and increase efforts (resources) committed to public involvement.

OSW also has representatives on the Agency's Permit Improvements Team (PIT). The Team, established in July 1994, consists of a group of EPA, State, Tribal, and local government officials examining all of EPA's permit programs to identify how they can be improved. Enhancing public participation is one of the areas in which the Team is developing recommendations. The Team's public participation task force met with a representative from Office of Environmental Justice (OEJ) and recommended that the Environmental Justice Public Participation checklist, developed by the Interagency Working Group on Environmental Justice, be utilized as guidance to the extent appropriate and feasible. The Team will continue coordinating with OEJ in order to promote consistency in approaches to enhancing public involvement. The Team has also made a

preliminary recommendation for the development of a reference guide for public participation activities -- those required by media permitting programs, as well as those suggested as ways to go beyond the minimum requirements.

Comprehensive Environmental Response, Compensation and Liability Act

OERR oversees implementation of the Superfund program and initiated site assessment, site screening, interagency workgroups and National Priorities List (NPL) characterization studies, and other projects to address concerns in the program.

Develop interim guidance on Community Advisory Groups (CAGs) and establish CAGs at ten pilot Superfund sites.

OERR and Regional community relations staff completed and circulated draft guidance on CAGs to the Regions for review and comment. OERR finalized and distributed guidance in December 1995. The guidance provides direction for establishing CAGs to promote early, direct, and meaningful community involvement in the Superfund process especially at sites with environmental justice concerns. OERR plans to develop a tool kit on how to set up and maintain a CAG by Spring 1997.

Conduct a pilot proactive site assessment program.

Region 9 conducted a pilot site assessment program in the community near Verdesse Carter Park, East Oakland, California, a community with environmental justice concerns. The project has evaluated other CERCLIS sites within a four-mile radius, completed an area database study of past and present facilities that are being regulated, and conducted an aerial photography analysis to identify past industrial sites that were replaced by residential areas.

Oil Pollution Act (OPA)

The Oil Pollution program regulates prevention and response activities at facilities that discharge oil. The universe of regulated facilities is large and diverse, with facilities located throughout the country in large cities, suburbs, Indian lands, and remote areas. A disproportionate share of oil storage facilities, and thus contamination, may be in or near communities with potential environmental justice concerns. The Oil Pollution program is working to ensure that environmental justice concerns are addressed through statistical surveys and inspections.

Target inspections and enforcement activities in communities with environmental justice concerns.

The Spill Prevention Control and Countermeasures (SPCC) program had conducted 316 inspections by September 30, 1996. A portion of these facilities are located in environmental justice areas.

Identify the types and characteristics of oil storage facilities most likely to be located in poor or minority areas.

Region 7 has analyzed the census data and identified the high priority counties which may have environmental justice concerns. The list of oil pollution facilities needing inspections has been prioritized against the census data. SPCC inspections were conducted during the second half of 1996. Targeting criteria will include environmental justice concerns.

Underground Storage Tanks (USTs)

The Office of Underground Storage Tanks (OUST) works to prevent leaks and spills of USTs, monitor tanks for leaks and spills, correct problems created by newly discovered leaks and spills, and ensure that owners and operators of USTs can pay for problems created by leaking tanks. The UST program is largely decentralized to the States.

Provide outreach to States, Indian Tribe and local agencies.

Region 2 translated a booklet developed by OUST, "Don't Wait Until 1998," into Spanish and distributed it to the Spanish-speaking regulated community. The purpose of the book is to assist UST owners in understanding the 1998 tank upgrade and replacement requirements. The booklet is being distributed primarily in Puerto Rico. A copy of the Spanish-translated version was sent to OUST and other Regional offices.

Work with other Federal agencies to incorporate environmental justice issues into UST and LUST programs.

In February 1996, the Region UST program held a forum about UST closure regulations for the U.S. Indian Health Service (IHS), the Pueblo of Santa Ildelfonso, Santo Domingo, Isleta, and Sandia. Also present were representatives of the Mescalero Apache Tribe, the All Indian Pueblo Council, and the IHS UST contractors. IHS is launching a two year program, which started in late 1996 that will permanently close USTs located on Tribal lands serving hospitals, schools, and clinics. The information presented will allow IHS and Tribes to work in cooperation to establish a closure program. That program should effectively monitor the techniques applied to UST closures, site assessments, and cleanup decision-making systems utilizing risk-based corrective action.

Chemical Emergency Preparedness and Prevention

The Chemical Emergency Preparedness and Prevention Office (CEPPO) works to reduce the risks from accidental releases of hazardous materials, and improves the capabilities of State, Tribal, and local governments for preparedness, prevention, and emergency response. States, communities, and Indian Tribes use information from facilities to develop comprehensive emergency plans through State Emergency Response Commissions (SERCs), Local Emergency Response Committees (LERCs), and Tribal Emergency Response Committees (TERCs).

Expand the use of Computer Aided Management of Emergency Operations (CAMEO) and LandView II electronic software systems to support environmental justice communities.

CAMEO software, designed for use in emergency planning and response, is being issued in an updated version for Windows. LandView II, the CD-ROM reference atlas that combines maps with demographic and economic census data along with EPA facility databases, was released in 1995. CEPPO prepared related communications materials and announced and distributed LandView II. Headquarters CEPPO staff are training the Regions on use of the system, and the Regions will train States and local groups on its application. CEPPO is making LandView II available at no charge to certain audiences (such as the National Environmental Justice Advisory Council) and is working with the Unison Institute, whose RTKNet makes available downloads of LandView II with single county maps free to all.

Region 2 is developing a pilot environmental justice outreach module that demonstrates LandView II to Local Emergency Planning Committees (LEPCs) and community groups, and explains community right-to-know information. Regional staff received a test set of LandView II disks, and they are becoming familiar with the system. Additionally, LandView II disks have been provided to each of the seventy-eight Brownfields Pilots.

Federal Facilities

Federal Facilities must comply with CERCLA requirements to the same extent as private facilities. EPA is working to ensure that environmental justice concerns are addressed for communities located near Federal facilities. Many of these efforts complement other environmental initiatives to increase community involvement and use GIS applications to identify communities with environmental justice concerns.

Fully integrate Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) environmental justice principles into the decision-making at Federal Facilities cleanups.

The Region 4 Federal Facilities Branch (FFB) continues to provide outreach and education to Department of Defense (DOD) installations on community involvement and environmental justice. The FFB Region 4 Community Relations Coordinator (CRC) evaluates community relations plans to ensure that environmental justice issues are addressed. Region 4's contribution has included daily external office support to citizens boards, including significant use of technical staff, such as Remedial Project Managers and program managers. The FFB Base Realignment and Closure (BRAC) team provided training to six communities on environmental justice issues affecting them. The FFB Region 4 established a protocol for the FFB to incorporate environmental justice in all decisions. This protocol will be used as a tool for determining how Federal facilities can address environmental justice in their activities.

Region 3 sends GIS generated maps of facilities and the communities within a three-mile radius to the facilities as new sites are listed on the NPL or BRAC sites designated as such. The maps are color coded to show minority and low-income populations within these areas. The maps are

provided to facility commanders asking them to consider these communities when making decisions which may affect those populations.

Conclusion

Much progress has been made, since the initial introduction of environmental justice to the programs of the Office of Solid Waste and Emergency Response. In the three years since the "OSWER Environmental Justice Task Force Draft Final Report" was issued, OSWER and the Regional Waste Management Divisions have incorporated environmental justice considerations into all aspects of their programs. Through the training of regional staffs, the addition of resources, and the commitment of management, the environmental justice message is being implemented in OSWER and the Regional Waste Divisions. Every aspect of EPA waste programs has been affected by this effort to address environmental justice issues. Environmental justice will continue to be an important element of Office of Solid Waste and Emergency Response and the Regional Waste programs.

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